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Gabe S. Meyer
Assistant General Attorney

March 25, 2009

Via Electronic Filing

The Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W
Washington, D. C 20423

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Office of Proceedings

MAR 25 2009

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Public Record

**RE: STB Docket No. AB-102 (Sub-No. 13)—Missouri-Kansas-Texas
Railroad Co.—Abandonment—In St. Charles, Warren, Montgomery,
Callaway, Boone, Howard, and Pettis Counties, MO**

Dear Secretary Quinlan

Attached is Union Pacific Railroad Company's Reply to the "Motion to Provide and to Enforce Compliance with Section 106," jointly filed by the Rails to Trails Conservancy, the Save the Katy Bridge Coalition, Inc , and the Missouri Parks Association in the above-referenced matter

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Gabriel S. Meyer".

Gabriel S Meyer

BEFORE THE SURFACE TRANSPORTATION BOARD

STB Docket No. AB-102 (Sub-No 13)

**MISSOURI-KANSAS-TEXAS RAILROAD COMPANY
-- ABANDONMENT --
IN ST. CHARLES, WARREN, MONTGOMERY, CALLAWAY
BOONE, HOWARD, COOPER AND PETTIS COUNTIES, MO**

**REPLY OF UNION PACIFIC RAILROAD COMPANY
TO MOTION TO COMPLY WITH SECTION 106**

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Dated and Filed March 25, 2009

BEFORE THE SURFACE TRANSPORTATION BOARD

STB Docket No. AB-102 (Sub-No. 13)

**MISSOURI-KANSAS-TEXAS RAILROAD COMPANY
-- ABANDONMENT --
IN ST. CHARLES, WARREN, MONTGOMERY, CALLAWAY
BOONE, HOWARD, COOPER AND PETTIS COUNTIES, MO**

**REPLY OF UNION PACIFIC RAILROAD COMPANY
TO MOTION TO COMPLY WITH SECTION 106**

Union Pacific Railroad Company ("UP") submits this Reply in response to the "Motion to Provide and to Enforce Compliance with Section 106," jointly filed by the Rails to Trails Conservancy, the Save the Katy Bridge Coalition, Inc., and the Missouri Parks Association (collectively "Petitioners") on March 12, 2009 in this matter. Petitioners request that the Board comply with Section 106 of the National Historic Preservation Act ("NHPA") and order UP to cease demolition of the Boonville Bridge (the "Bridge"), which crosses the Missouri River in Boonville, MO.

In support of its position, Petitioners argue that: 1) the Board has failed to fulfill its Section 106 obligations, 2) UP was not authorized to abandon the Bridge, and 3) UP is engaged in "anticipatory demolition" of the Bridge. Petitioners are incorrect. First, the Board has complied with its historic review obligations and the Coast Guard is the appropriate agency to conduct the ongoing historic review process, given its authority to regulate bridges that span navigable bodies of water. Furthermore, during the approximately four years since it became clear that the Coast Guard would assume a lead

agency role in conducting the historic review, Petitioners have not sought Board intervention. Only now, with the historic review process near an end, do they contend that the Board should have conducted the historic review itself. Second, the Interstate Commerce Commission's ("ICC's") 1987 Certificate of Interim Trail Use or Abandonment explicitly authorized UP to abandon the Bridge if it did not become subject to a trail use agreement. Third, there is no need for the Board to order UP to cease demolition of the Bridge, as UP is not engaged in any Bridge demolition activities and has no intention of altering or removing the Bridge until completion of the historic review process.

Additionally, although Petitioners do not disclose this, each of them has been a consulting party in the Coast Guard's ongoing historic review process, and has participated in meetings held by the Coast Guard throughout the second half of 2008. At these meetings, none of the Petitioners contended that the Coast Guard lacked authority to conduct the historic review process. Now, with the historic review process nearing a close and other opportunities to block removal of the Bridge exhausted, Petitioners seek Board intervention.

The Board should deny Petitioners' Motion.

I. HISTORY AND BACKGROUND¹

The Boonville Bridge was once part of a 200-mile rail line owned by a UP predecessor, Missouri-Kansas-Texas Railroad Co. ("MKT"). MKT filed an application to abandon the line in September 1986, and received ICC abandonment authority the

¹ UP has provided a comprehensive overview of the history of this dispute in previous filings with the Board, and reviews the pertinent facts here. See *Reply of Union Pacific Railroad Co. to Petition for Declaratory Order*, STB Docket No. AB 102 (Sub-No. 13), UP-filed Mar. 16, 2009 (hereinafter "*March 16 Reply*"), *UP Notice of Consummation*, STB Docket No. AB 102 (Sub-No. 13), UP-filed May 25, 2005.

following March. In its abandonment decision, the ICC ordered MKT, once it had effected its abandonment authority, to comply with NHPA review procedures and to obtain necessary permits from the U.S Army Corps of Engineers and "other federal agencies before salvaging bridges and structures."²

The Missouri Department of Natural Resources ("MDNR") subsequently acquired most of the line for trail use, excluding the Bridge, pursuant to the ICC's Certificate of Interim Trail Use or Abandonment ("CITU") served on April 27, 1987. Under its trail use agreement with MKT, MDNR retained an option to acquire the Bridge for trail use if it subsequently met statutorily imposed liability and responsibility requirements, which it never did. In 2005, the MDNR relinquished its option to acquire the Bridge, and UP consummated abandonment of the Bridge a short time later. The CITU explicitly authorized UP to do so under the circumstances.³ As UP fully disclosed in its May 25, 2005 Notice of Consummation, UP intended to meet the historic condition working through the Coast Guard.⁴

The Coast Guard assumed the lead agency role in the historic review process and prepared a draft Memorandum of Agreement ("MOA") later that year, outlining conditions for removal of the Bridge. UP and the Missouri State Historic Preservation Officer executed the MOA, but due to a series of legal actions involving the Bridge that followed⁵,

² *Missouri-Kansas-Texas—Abandonment—In St. Charles, Warren, Montgomery, Callaway, Boone, Howard, Cooper and Pettis Counties, MO*, ICC Docket No. AB 102 (Sub-No. 13), ICC served Mar. 6, 1987, at 9.

³ CITU, p. 2, Ordering Paragraph 5.

⁴ UP Notice of Consummation, pars. 7, 8.

⁵ *State ex rel. Nixon v. Childers*, NO. 05AC-CC00673 (Mo. Cir. Apr. 25, 2006) (trial order), *aff'd* *State ex rel. Nixon v. Childers*, 243 S.W.3d 403 (Mo. App. W.D., 2007), *review denied* *State ex rel. Nixon v. Childers* (Mo. Feb. 19, 2008); *Midkiff et al. v. Childers*, Case no. 05AC-CC 101098 (Mo. Cir. July 26, 2006) (trial order), *aff'd* *Midkiff et al. v. Childers*, 228 S.W.3d 623 (Mo. App. W.D., 2006). Copies of these decisions are attached to UP's March 16 Reply as Exhibit 2.

the Coast Guard deferred execution. Following the conclusion of litigation in early 2008, the Coast Guard reassumed its role in the historic review process as lead agency. In accordance with Section 106 requirements, it drafted a new MOA, consulted with the Advisory Council on Historic Preservation ("ACHP"), and held a series of meetings with consulting parties and the public. Although Petitioners make no mention of it in their Motion, Petitioners attended these meetings and, as shown in the meeting minutes (see Exhibits 1 and 2), none of them voiced concerns as to the Coast Guard's authority to lead the historic review process.⁶ Following the meetings, the Coast Guard circulated its draft MOA among all consulting parties to solicit further input.

Petitioners' Motion is part of a series of efforts by interested parties to delay or block removal of the Bridge. As noted above, in two separate court actions, the Missouri Attorney General ("AG") and a group of interested parties unsuccessfully challenged the MDNR's authority to relinquish its option to acquire the Bridge. More recently, in February 2009, the AG and the Great Rivers Environmental Law Center petitioned the Board to commence declaratory order proceedings in this matter, to remove "uncertainty" with respect to the Bridge's abandonment status. UP replied on March 16th.⁷ And now, Petitioners charge for the first time that Coast Guard lacks authority to conduct the historic review process as to the Bridge. *This string of challenges is nothing more than a*

⁶ Among the Petitioners, only the Save the Katy Bridge Coalition suggested any changes in the Coast Guard's historic review procedures. At an August 5, 2008 meeting between the Coast Guard and consulting parties, the Coalition's representative Paula Shannon called upon the Coast Guard to seek additional input from the general public. (See Exhibit 1, p 4.) The Coast Guard organized a meeting open to the public the following month (Sept. 30, 2008). Additionally, at the November 12, 2008 consulting party meeting, the Save the Katy Bridge Coalition's representative Rose Kravs asked the Coast Guard to search for additional photos of the Bridge. (See Exhibit 2, p 2.)

⁷ On March 23, 2009, the AG replied to UP's March 16 Reply. UP expects to respond shortly to this most recent effort by the AG to forestall the conclusion of the historic review process.

desperate attempt to save an abandoned bridge and prevent UP from removing its own property. Accordingly, the Board should deny the Petitioners' Motion

II. COMPLIANCE WITH SECTION 106

A. The Coast Guard is the Proper Agency to Conduct the Historic Review Process

Petitioners argue that the Board must assume responsibility for compliance with Section 106 procedures in the abandonment of the Bridge. They are incorrect. Under the NHPA, the responsible federal agency—the agency with jurisdiction over an historic review's subject matter—assumes responsibility for Section 106 review.⁶ The Coast Guard is the proper agency to lead the historic review process for bridges that span navigable bodies of water like the Missouri River, as it has authority both to order alterations of bridges and removal of unused bridges from navigable waters. (33 C.F.R. §116.01(a),(c).)

Petitioners contend on pages 8 and 9 that the Coast Guard "argued it did not have any licensing authority over" removal of the Boonville Bridge and therefore cannot conduct the Section 106 review. This is factually and legally wrong. While the Coast Guard does

⁶ Section 106 of the NHPA provides

"The head of any Federal department or independent agency having authority to license any undertaking shall prior to the issuance of any license take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking." (16 U.S.C. §470f)

In support of their argument that the Board must assume responsibility for the historic review process, Petitioners cite *Friends of the Atglen-Susquehanna Trail, Inc v. STB*, 252 F.3d 246 (3rd Cir. 2001). That case is distinguishable from this matter, because *Atglen* addressed a failure in an historic review process conducted by the ICC, for which it assumed responsibility. In this matter, the Coast Guard has assumed responsibility for the historic review and, as discussed in Section II-b, below, Petitioners offer no evidence showing that the Coast Guard has failed to carry out its responsibilities.

not issue bridge removal licenses per se, as discussed above, it has licensing authority over bridges over navigable waters. Moreover, the Coast Guard has made it clear to all parties involved in these proceedings that it has power to order the Bridge removed and is acting under that authority

Specifically the Coast Guard approves demolition plans and its authority expressly includes the power to order a permitted bridge to be removed if it no longer serves a land transportation use. These are the precise undertakings the Coast Guard is currently reviewing in this case (or will in the near future as to the demolition plans). On the other hand, the STB, which Petitioners argue should lead the Section 106 review, has no jurisdiction over removal of bridges over navigable waters, and has taken no action in this matter since 1987. The Board's abandonment authority does not authorize removal of a bridge over navigable waters. In its abandonment decision, the ICC expressly left authority over removal of the Bridge to the proper agencies by requiring that UP obtain the necessary permits and comply with Section 106.⁹

The Coast Guard has frequently taken active roles in historic reviews related to bridges over navigable waters and, in a number of prior matters involving railroad Bridges,

⁹ The ICC stated

'If abandonment is effected under the CITU, MKT must (a) comply with the procedures in section 106 of [the] NHPA and consult with the State Historical Preservation Officer for appropriate documentation of bridges and structures included in the National Register of Historical Places if they are to be demolished or substantially altered, and (b) consult with and obtain necessary permits from the U.S. Army Corps of Engineers and other Federal and State agencies before salvaging bridges and structures.' (*Missouri-Kansas-Texas—Abandonment—In St. Charles, Warren, Montgomery, Callaway, Boone, Howard, Cooper and Pottis Counties, MO*, ICC Docket No. AB 102 (Sub-No. 13), ICC served Mar. 6, 1987, at 9.) UP is meeting these obligations

the Board has recognized the Coast Guard's jurisdiction.¹⁰ In this matter, the ICC's abandonment decision only specified that an historic review had to be conducted, not that that the ICC had to do it. Attached as Exhibit 3 is a March 18, 2008 letter, providing notice that the Coast Guard would assume the lead agency role in Section 106 process.

Finally, Petitioners have waited too long to ask the Board to intervene in the historic review process. Nearly four years have passed since the Coast Guard first began preparing an MOA, with Petitioners' participation, as part of its historic review. Only now, with the process near an end, do Petitioners contend that the Board should have conducted the historic review itself.

B. The Coast Guard has Properly Performed the Historic Review Process

Petitioners argue that the Coast Guard has failed to properly conduct the historic review process. In fact, the Coast Guard has performed a proper review, soliciting input from the ACHP, consulting parties, and the public. The Coast Guard first assumed its role as lead agency for historic review purposes near the time that UP formally abandoned the Bridge in 2005. Upon the conclusion of litigation in 2008, addressing the MDNR's relinquishment of its option to acquire the Bridge, the Coast Guard reassumed its lead agency role (see Exhibit 3) and forwarded a draft MOA to the ACHP for review. The ACHP responded with comments, which the Coast Guard incorporated in a revised draft of the MOA. Beginning in August 2008, the Coast Guard held a series of three meetings

¹⁰ See, e.g., *Central Oregon & Pacific Railroad, Inc. – Abandonment and Discontinuance of Service*, STB Docket No. AB-515 (Sub-No. 2), STB served Oct. 31, 2008, *CSX Transportation Inc. – Abandonment Exemption*, STB Docket No. AB-55 (Sub-No. 648X) June 28, 2004, *Staten Island Rwy. Corp. – Abandonment*, Docket No. AB-263 (Sub-No. 3), ICC served Nov. 29, 1991.

regarding the Bridge abandonment with consulting parties and interested members of the public ¹¹

As discussed above, in their Motion, Petitioners try to create the impression that they have been left out of the historic review process. Nothing could be further from the truth. (See Coast Guard Meeting Minutes, Exhibits 1 and 2.) Petitioners fail to disclose to the Board that representatives from their respective organizations attended the two consulting party meetings. At those meetings, none of the Petitioners questioned the Coast Guard's authority to conduct the historic review process, or the manner in which it conducted it. Only now, with the historic review process near a close, do Petitioners voice any concerns.

In an attempt to show that the Coast Guard has not met its responsibilities, Petitioners characterize the Coast Guard's Section 106 review as "reluctant in the extreme, tortured at best, and in all events fraught with legal problems." *Motion* at 13. Yet, in support of this sweeping charge, Petitioners cite only the Coast Guard's alleged failure to consider "the effects of the Boonville Bridge in exercising . . . licensing authority over construction of the Osage River Bridge" *Id.* at 14.

There is no reason the Coast Guard must consider these projects together, and Petitioners do not offer one. As UP explained in its March 16 Reply and in an August 7, 2008 letter to Missouri Senator Claire McCaskill (Exhibit 4), the two projects are independent of one another. Although UP anticipates adaptively reusing approach spans from the Boonville Bridge to build the Osage River Bridge, UP would undertake either project independently if necessary. The Coast Guard advised UP that its permitting

¹¹ The Coast Guard held consulting party meetings on August 5 and November 12, 2008. It held a public meeting on September 30, 2008.

process for the Osage River Bridge considers the impact of a structure upon waterway navigation, but does consider the source of the materials used in the project.

Furthermore, there is no reason to believe that treating these two projects separately has had any impact upon the Coast Guard's historic review of the Boonville Bridge. Even in the absence of the Osage River Bridge project, the Coast Guard's historic review would be little changed.¹² As a result, the Coast Guard properly reviewed the two projects separately.

III. THE ICC AUTHORIZED UP TO ABANDON THE BRIDGE

As UP explained in its March 16 Reply, the ICC's 1987 abandonment decision specifically authorized UP to abandon the Bridge prior to completion of the historic review process (*March 16 Reply*, pp. 8-10). The ICC decision stated, "If abandonment is effected under the CITU, MKT must comply with the procedures in section 106 of [the] NHPA"¹³ This language clearly contemplated that the historical conditions would be met after the "abandonment [was] effected."¹⁴ Further, the ICC's April 1987 CITU expressly authorized MKT (now UP) to abandon the Bridge if no trail use agreement was reached during the 180-day trail use negotiating period (*CITU*, p. 2, Ordering Paragraph 5, attached as Exhibit 1 to the *UP Notice of Consummation*).

¹² As the Great Lakes Environmental Law Center recognized in its February 23, 2009 filing in this matter, segmentation is only a technical device to limit the scope of environment (and historic) review.

¹³ *Missouri-Kansas Trail Act*, 48 Stat. 1000—In *St. Charles, Warren, Montgomery, Callaway, Boone, Howard, Cooper and P. Co. v. ICC*, Docket No. AB 102 (Sub-No. 13), ICC served Mar. 6, 1987, at 9.

¹⁴ The ICC would have required MKT to fulfill historic conditions before effecting abandonment. See *Order of the Interstate Commerce Commission*, *Certificate of Interim Trail Use or Abandonment—Union Pacific RR Co.—Abandonment of Bridge over the Missouri, Sangamon, and Mississippi Counties, IL*, STB Docket No. AB-33 (Sub-No. 13), STB series Sept. 11, 1987-5. Ordering Paragraph 5 stated: "If an agreement for interim trail use/rail banking is reached by the 180-day period after the effective date of this CITU, interim trail use may be implemented. If no agreement is reached by that time, UP may fully abandon the line, provided any conditions imposed have been met." (Emphasis added.)

Acting upon this authorization, UP filed its Notice of Consummation with the Board on May 25, 2005, shortly after it became clear that no trail agreement would be reached with respect to the Bridge. As a result, UP's Notice of Consummation was not a "nullity" as Petitioners claim.

Additionally, Petitioners have waited nearly four years to challenge UP's Notice of Consummation. As UP discussed in its March 16 Reply, under Board regulations, Petitioners should have filed their challenge with the Board within 20 days, as required by Board regulations. (49 C.F.R. §1104.13(a).)

IV. UP IS NOT ENGAGED IN ANTICIPATORY DEMOLITION OF THE BRIDGE

Petitioners contend that UP has engaged in "anticipatory demolition" of the Bridge and ask that the Board order UP to stop. This is not the case. In the early 1990s, UP removed a short approach span to the Bridge in order to increase clearances for rail traffic passing beneath it on another line. UP has not removed or altered any part of the Bridge since then and will not remove the Bridge until authorized to do so. While petitioners imply that Bridge demolition is imminent or ongoing, as UP explained in its March 16 Reply, UP has not removed any part of the Bridge since the early 1990s, well over a decade before the historic review began. As a result, no demolition is occurring and the Board has no basis for ordering UP to cease anticipatory demolition. Additionally, for approximately a decade following removal of the span, no parties raised any concerns.

UP removed the span solely for transportation reasons, as specifically permitted by the Interim Trail Use Agreement.¹⁵ UP did not seek to circumvent future historic review procedures. Removal of the span allowed it to increase the vertical clearance for trains using a former Missouri Pacific line that parallels the Missouri River, and to raise the Missouri Pacific line's roadbed in order to mitigate flooding from the river. Since the early 1990s, no further Bridge removal or demolition activities have occurred, and UP will not remove any more of the Bridge until completion of the historic review process¹⁶

Far from engaging in anticipatory demolition, UP has actively worked with the Coast Guard during the historic review process. If UP had intended to anticipatorily demolish the Bridge as Petitioners allege, when it removed the approach span in the early 1990s, it would have removed more than a single 62-foot span from the 1,500-foot Bridge. Removal of this single span had no impact upon the remainder of the Bridge, including its lift span, which Petitioners point to as its only historically significant elements. *Petition at 3.*

Finally, neither the Petitioners, nor any other party raised the anticipatory demolition until approximately four years ago. UP did not alter or remove any part of the Bridge during that timeframe. If removal of the span in the early 1990s had been a significant cause for concern, the issue should have arisen earlier.

¹⁵ The Interim Trail Use Agreement between MKT and MDNR states, "MKT reserves the right to modify the bridge structure as may be required to improve rail transportation, so long as MDNR's right to use the premises for interim trail use is not adversely affected thereby." (Page 9)

¹⁶ Of further note, UP's removal of the Bridge segment did not create Coast Guard jurisdiction over the Bridge. The Coast Guard has jurisdiction over the Bridge because there is no possibility that the Bridge will "serve the needs of land transportation." 33 C.F.R. §116.01(a). The Bridge was not used for land transportation before UP removed the span and, therefore, removal of the span did not impact the Coast Guard's jurisdiction.

For these reasons, the Board has no basis for ordering UP to cease "anticipatory demolition "

V. CONCLUSION

The Boonville Bridge has not been used in more than 20 years. UP properly effected abandonment of it nearly four years ago, and the Coast Guard has led a thorough and proper historic review process, in which both UP and Petitioners have played active roles. Petitioners' Motion is simply another attempt to delay removal of the Bridge.

The Section 106 historic condition that the ICC imposed in its 1987 abandonment decision does not justify Board intervention in this matter, particularly since Petitioners have waited nearly four years before asking the Board to become involved. Finally, there is no need for the Board to order UP to cease "anticipatory demolition," as UP has not removed any portions of or otherwise altered the Bridge since the early 1990s, and will not do so until authorized.

Accordingly, UP respectfully requests that the Board deny Petitioners' Motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Gabriel S Meyer, hereby certify that on this 25th day of March, 2009, I caused a copy of the above Reply in STB Docket No AB-102 (Sub-No 13) to be served upon the following parties via first class U.S. mail:

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Gabriel S Meyer

Exhibit 1

**SUMMARY OF MINUTES
SECTION 106
CONSULTATION PARTY MEETING
BOONVILLE RAILROAD DRAWBRIDGE
AUGUST 5, 2008**

<u>Attendees</u>	<u>Agency</u>	<u>Telephone</u>
Judith Deel	Missouri State Historic Preservation Office	573.751.7862
Kenny Poinle	U. S. Army Corps of Engineers	816.389.3833
Ward Lenz	U. S. Army Corps of Engineers	816.389.3835
Mark Frazier	U. S. Army Corps of Engineers	816.389.3664
Matt Jeppson	U. S. Army Corps of Engineers	816.389.3983
Roger Wiebusch	U. S. Coast Guard	314.269.2378
David Orzechowski	U. S. Coast Guard	314.269.2382
Ron Kucera	Great Rivers Environmental Law Center	314.231.4181
Bruce Morrison	Great Rivers Environmental Law Center	314.231.4181
Paula Shannon	Chairman, Save the Katy Bridge Coalition	660.882.3970
Bart Culbertson	Union Pacific Railroad	402.544.5774
Steve Cheney	Union Pacific Railroad	402.544.3227
Todd Wimmer	Union Pacific Railroad	402.544.3101
Roy Farwell	Union Pacific Railroad	314.331.0566
Jeff Teig	HDR Engineering, consultant for UPRR	402.399.1051
Bill Sigler	HDR, Engineering, consultant for UPRR	402.399.1309
Dave Nicholas	Boonville, Mayor	816.665.5210
Megan McGuire	Boonville, City Counselor	660.882.4002
Irl Tessendorf	Boonville, City Administrator	660.882.2332
Sarah Gallagher	Boonville, Director of Economic Development	660.882.4001
Dale Reesman	Boonville, Lead Attorney, Save the Katy Bridge	660.882.6525
Cindy Eborling Hall	Senator McCaskill's representative	573.808.6656
Jennife Sandy	National Trust for Historic Preservation	312.939.5547
Betsy Merrit	National Trust for Historic Preservation	202.588.6000
John Eddins	Advisory Council on Historic Preservation	202.606.8553
Marianne Fowler	Rails-to-Trails Conservancy	202.331.9696
Henry Robertson	Missouri Sierra Club	314.647.5603

Opening statement made by Roger Wiebusch, U.S. Coast Guard (CG).

- Identify/discuss stipulations to be included in a Section 106 Memorandum of Agreement (MOA)
- Address demolition of the Boonville Railroad Drawbridge across the Missouri River at Boonville, MO.
- The Boonville Railroad Drawbridge is eligible for listing in the National Register of Historic Places.

ENCLOSURE(/)

CG has the responsibility and authority to preserve the public right of navigation, remove unused bridges, comply with federal environmental control laws, is the lead agency for bridge removal and preparation of the Section 106 MOA.

An overview of the Boonville Railroad Drawbridge was given.

- In 1991, an approach span had been removed. CG notified Union Pacific (UP) of requirement to remove the bridge, since it no longer served a transportation function.
- 1991 to 2003, UP considered plans for various alternatives for the re-use of the bridge, i.e.: IATAN power plant, Omaha, Clinton and Osage.
- 2002, CG once again sent a notice to UP to remove the bridge with UP preparing demolition plans.
- 2004 CG initiated the Section 106 process but due to the uncertainty of ownership the CG never finalized the MOA.
- 2004 – 2008, the legal challenges over ownership and proposed use were pending.
- February 2008, the Missouri Supreme Court clarified UP was owner of the bridge.

CG evaluated the bridge and if some form of transportation can cross bridge, the structure would revert back to a bridge status. However, if transportation is not possible, due to the missing span, the structure does not meet the definition of a bridge for CG purposes.

Betsy Merritt, National Trust for Historic Preservation legal counsel, (BM, NTHP) asked if the missing span were to be replaced and the bridge once again served a transportation purpose, if it would meet the CG definition of a bridge. CG stated yes.

UP proposes to. remove entire bridge and re-use part of the spans for the Osage River crossing, demo the rest of the bridge for salvage, and possibly donate lift span Control Operator's House to new owner.

BM, NTHP asked what is the scope of consultation?

John Eddins, federal Advisory Council on Historic Preservation (JE, ACHP), were alternatives considered over the last several years of on and off again consultation?

CG made comment in regards to NEPA that the "no action" alternative will not satisfy the needs of the owners (UP) and the CG.

Bruce Morrison, Great Rivers Environmental Law Center (BM, GRELC) stated Pat Jones, major funder for the Katy Trail, does not agree with the narrow definition of transportation purposes

Proposed stipulations for the MOA for the demolition of the Boonville Bridge following HAER (Historic American Engineering Record) recordation:

- Narrative history
 - History/description of bridge, consultation parties – input for research areas, review & comment, oral histories/exhibits (recordings, interviews), economic impact on the west/country
- Archival photographs

- Large (4" x 5") B+W negatives, archival quality contact prints of bridge features, engine sounds, historical, seasonality, opening, demolition, operators shack, transiting towboats
- Measured drawings
 - Bridges original measured drawings on archival bond paper, shop drawings

BM, NTHP – with what already exists for documentation, would dollars be spent on other items rather than redundant recordation.

UP the HAER documentation is already underway, was initiated in anticipation of signature of the original proposed MOA in 2005.

Other questions/comments:

- Is there contextual information of engineering, etc., available?
- Boonville Railroad Drawbridge was the longest lift span of its kind and time.
- A lot of information should be included; this is the 3rd of three lift bridges in this spot.
- JE, ACHP – consulting parties may/shall supply information and comment on draft documents.
- Oral History, public information, exhibits, videos, web site, and other format for public history should be included.
- Develop time frames for each stage.

Photographic Documentation

- Archival photos of current condition of bridge, overall and in detail.
- Collection of historic photos

Comments:

- There are cd's available of the bridge, such as the last train crossing the bridge.
- Google search yielded a very large collection of photos.
- Include photo documentation of the bridge thru the seasons and stages of the river (i.e., flood).
- Document destruction of the bridge.
- Can the bridge lift span still function? UP is willing to consider investigating.
- Is there historic footage of the lift span in operation?
- A public request may be made for people to loan personal photos for copying.
- Document the sounds of the bridge and the river.
- Oral histories and views from tows, boats, other river users.

Plans and Specifications:

- Are the original construction plans still available? If so, there may not be a need for scale drawings to be produced
- CG has some plans, UP should have some bridge drawings, thinks design drawings and shop drawings are available. Some plans/drawings lost in transfers of ownerships of the railroad.
- Document the efforts of the interest groups to save the bridge.

- Corporate history of the decisions to save the bridge.

Operators control house may be made available to some interested party. May be able to detach from bridge and relocate.

Question and comments from Boonville interest groups

- Will UP build a museum to house the operator's house?
- Suggest leaving portion of the bridge in place, which would not obstruct traffic on the river. CG, this is possible if UP would agree to give up that portion of the bridge. COE would have to permit this portion as a Section 10 structure. There would have to be an owner identified that would take over full responsibility for bridge now and in the future. COE would prefer that Section 106 consultation be concluded before a Section 10 permit is filed. JE, ACHP, would include stipulation to explore possible preservation of bridge span in MOA.

Summary/Wrap-up

- CG will distribute notes from the meeting, list of attendees, and time/schedule for project.
- JE, ACHP, review of 106 process, request that the concerns of the consulting parties be expressed, followed up with a written statement to the CG, who will give due consideration and justification for final decision in regards to the bridge.
- COE does not have an opinion on outcome, concern that process is carried out appropriately, clear process, clear time line, and comment period to follow this meeting.
- Paula Shannon, Save the Bridge – answerable to supporting public, has not had a chance to let interested folks know what is going on, needs another chance for public input, advocating importance of bridge in history, and is of concern to many.
- Megan Maguire, City of Boonville – concern due to loss of cultural symbol, importance of Katy Trail to survivability of the community, lose bridge, lose trail use – economic adverse effect, loss of historic fabric of community.
- Cindy Hall, Senator Claire McCaskill representative – concurs that the process should be as transparent as possible so that the public feels that they have ample input.
- Ron Kucera, Great Rivers Environmental Law Center (RK, GRELC) – BM, GRELC should speak to interest of clients – concerned about initiating consultation of Boonville after issuing permit for Osage crossing. Ted and Pat Jones concerns for Katy Trail, rail to trail would help stabilize communities, initial endowment with intent that rail corridor stay in place. RK, GRELC wants to make sure that public involvement is done, CG missed mark on NEPA, and there is no adequate NEPA for the project.
- BM, NTHP – questions on how the Osage River Bridge relates to the Boonville Bridge. CG declined to discuss, stating that this is a separate issue, and should be the subject of a future meeting/discussion.
- UP supplied information that the access span to the Boonville Bridge was removed after flood of 1993 to accommodate elevation of rail road bed. CG recalls that the span was gone in 1991, both parties will consult to resolve discrepancy.
- Roy Farwell, UP Counsel – Katy Trail did not buy bridge, which is abandoned, bridge was not rail banked, is concerned with time length already taken, had prior public meetings, have had public agencies involved, hope for reasonable time frames and costs (of mitigation?).

- Henry Robinson, Sierra Club – concerned about public input and about NEPA compliance.
- BM, NTHP – asked for ball park figures on budget for relocation of spans vs. new construction UP stated a January 2008 estimate for construction at Osage is 14 million with re-use, 22 million with new construction, concern that cost of steel continues to rise, affecting new construction costs.
- Mary Ann, Rails to Trails – views Boonville as integral part of rail bank, can't understand why UP cannot come up with alternatives to demolition of Boonville bridge.
- Jennifer Sandy, NTHP – concerns about public involvement, and about the Osage bridge.
- JE, ACHP – keep process open, allow sufficient time for renew and input, CG provide update on status of 106 to interested/consulting parties NEPA parallel to 105, justifications for alternatives including effects on historic properties, sufficient time, clear and open process.

Coast Guard – what happens next?

- Summary of meeting, with issues, comments and attendees will be distributed within a week. Request that within 30 days, all parties share concerns and views in writing to CG.
- Another meeting may be scheduled

**NOTE: This is a proposed timeline for complying with Section 106 requirements.
Changes will be made as necessary.**

**Proposed Timeline for satisfying Section 106 requirements for the Boonville Railroad
Drawbridge, Mile 197.1, Missouri River, at Boonville, MO.**

<u>Date</u>	<u>Goal</u>
13-Aug	Submit summary minutes of initial consulting party meeting
27-Aug	Issue public notice for public information meeting to be held in Boonville
17-Sep	Responses due from consulting parties
22-Sep	Prepare scope of Narrative History for MOA stipulation
25-Sep	Prepare scope of Photographic (Visual) History for MOA stipulation
29-Sep	Hold public information meeting in Boonville
08-Oct	Assess public input Hold 2nd consulting party meeting Status/review of information and sources for narrative history and visual history.
14-Oct	Initiate preparation of "draft" Section 106 MOA and stipulations
27-Oct	Submit "draft" Section 106 MOA to consulting parties for review and comment.
26-Nov	Comments on "draft" Section 106 due
01-Dec	Review "draft" comments During month of Dec, finalize Section 106 MOA Circulate final MOA to consulting parties for review

ENCLOSURE (2)

Exhibit 2

**SUMMARY OF MINUTES
SECTION 106
2nd CONSULTATION PARTY MEETING
BOONVILLE RAILROAD DRAWBRIDGE
NOVEMBER 12, 2008**

<u>Attendees</u>	<u>Agency</u>	<u>Telephone</u>
Judith Deel	Missouri State Historic Preservation Office	573 751 7862
Kenny Pointer	U. S. Army Corps of Engineers	816 389.3833
Mark Frazier	U. S. Army Corps of Engineers	816 389 3664
Roger Wiebusch	U S. Coast Guard	314 269.2378
David Oizechowski	U S. Coast Guard	314 269 2382
Bruce Morrison	Great Rivers Environmental Law Center	314 231.4181
Richard Blanck	Save the Katy Bridge Coalition	660.882 6622
Rose Kravs	Save the Katy Bridge Coalition	660.888 1030
Bart Culbertson	Union Pacific Railroad	402.544.5774
Mark Davis	Union Pacific Railroad	402.544 5459
Roy Farwell	Union Pacific Railroad	314 331.0566
Ben Jones	Union Pacific Railroad	816 399.1625
Bill Sigler	HDR, Engineering, consultant for UPRR	402 399.1309
Megan McGuire	Boonville, City Counselor	660 882.4002
Irl Tessendorf	Boonville, City Administrator	660 882.2332
Sarah Gallagher	Boonville, Director of Economic Development	660.882 4001
Dale Reesman	Boonville, Lead Attorney, Save the Katy Bridge	660 882.6525
Cindy Eberling Hall	Senator McCaskill's representative	573 808.6656
Jennifer Sandy	National Trust for Historic Preservation	312 939.5547
John Eddins	Advisory Council on Historic Preservation	202 606 8553
Jeff Ciabotti	Rails-to-Trails Conservancy	202 331 9696
Henry Robertson	Missouri Sierra Club	314 647 5603
Jim Painter	City of Boonville	660 882 6471
Denise Izmeriam	City of Boonville	660.882.4003
Julie Thacher	City of Boonville	
Mary McAllister	City of Boonville	660.882.2332
Pam Davis	Bridge Committee	660 882 2536
Bill Hart	Missouri Preservation/NTHP	314 691.1941
Ron Kucera	Missouri Parks Association	573 443.4168
Susan Flader	Missouri Parks Association	573 442.1058
*Mary Barile	Friends of Historic Boonville	660.882.3367
*Paul Davis	Boonville Area Chamber of Commerce	660 882.7850
*Mike Kellner	Boonville Daily News (Business Manager)	660 882 5335
*Alta Chipley	Interested Save Bridge	660.882.6362
*Theresa Kiebs	Interested Save Bridge	660 882.5335

* Denotes members signed in but clarified they were with Save the Katy Bridge Coalition

Opening statement made by Roger Wiebusch, U S. Coast Guard (CG).

- Consultation meeting is a closed meeting to the public
- Updated members on process to date, i.e.: sent letters to consulting parties after first consultation meeting, received numerous responses back; held public information meeting on September 30 w/over 100 attendees, public communication with the Coast Guard resulted in very few submissions via website, e-mail and regular mail.
- Added Tribal Historic Preservation Office to the list of consultation members

CG gave a review of similar bridge conversion projects, i.e.: Market Street Bridge, Chain of Rocks Bridge, Poughkeepsie Railroad Bridge and the Big Four Bridge. (See attached power point slide sheets). Emphasized in these cases the bridge owner wanted the conversions. In order for the Boonville Bridge to be converted to pedestrian use the bridge ownership needs to be transferred.

Paul Davis, Boonville Area Chamber of Commerce, stated the bridge is rail banked and should be reserved for future use. CG stated rail banking does not mean a partially demolished bridge and an unused bridge qualifies as a bridge for CG.

Megan McGuire, City of Boonville, made comment that an offer is on the table to UPRR. Also stated the bridge is being independently evaluated for monetary value by the City of Boonville.

UPRR informed the members that no negotiations to date have taken place and no offers were on the table.

Julie Thatcher, City of Boonville, commented if there are parts of the bridge left over, why not place these items in a museum. A member from the City of Boonville stated that items could be placed in an existing building in downtown and would not have to build a separate museum.

Mary Barile, Friends of Historic Boonville, commented that Wayne Lammers video might be copyright protected and the history of the bridge is important to preserve.

Rose Kravs, Save the Katy Bridge, stated other photographs of the bridge are in existence and need to be explored.

Bill Hart, Missouri Preservation, commented that the timeline for the Section 106 process was too short and needed to be extended 6 months for the new administration.

Paul Davis stated with the change in the Federal Administration the existing laws may change and we need to wait and see what they do.

CG gave a review of potential stipulations to be included in the draft MOA. (See attached power point slide sheets).

CG presented a revised Section 106 MOA schedule.

- 1 Dec 08 Submit draft Sect 106 MOA for review & comment

- 17Dec 08 Conduct 2nd Public Info Meeting
- 5 Jan 09 Comments received
- 15 Jan 09 Prepare Final Sect 106 MOA for approval
- 1 Feb 09 Submit approved Sect 106 MOA to SHPO

Megan McGuire stated the date for the second public information meeting scheduled for December 17th would not be good. Date is too close to the holidays. CG stated these dates are tentative and the public meeting would probably be rescheduled to mid-January 2009.

John Eddins, Federal Advisory Council on Historic Preservation, commented that if negotiations are ongoing that this would not put the demolition in a hiatus status and the new Missouri governor-elect needs to be contacted regarding his position on the Boonville Bridge

CG presented possible ways to preserve the history of the bridge (See attached power point slide sheets).

Jennifer Sandy, National Trust for Historic Preservation, stated that there should be a museum for all artifacts

Coast Guard – what happens next?

- Summary of meeting, comments and attendees will be distributed to consulting party members. Request that within 30 days, all parties share concerns and views in writing to CG.

Exhibit 3

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone (314) 269-2382
Fax (314) 269-2737
Email: david a. orzechowski@uscg.mil

16591.1/197.1 MOR
March 18, 2008

Ms. Judith Deel
Missouri Department of Natural Resources
State Historic Preservation Office
P. O. Box 176
Jefferson City, MO 65102

Subj: M-K-T RAILROAD DRAWBRIDGE, MILE 197.1, MISSOURI RIVER

Dear Ms. Deel:

The Union Pacific Railroad (UPRR) is expected to propose removal of the subject bridge at Boonville, MO. It is my understanding that the bridge is eligible for inclusion in the National Register of Historic Places. As the lead federal agency for this project, it is our responsibility to satisfy the requirements of the National Historic Preservation Act. Attached is a "Draft" Memorandum of Agreement concerning demolition of the bridge for your review and comment.

Should you have any questions, please call Mr. David Orzechowski at the above listed number.

Sincerely,

ROGER K. WIEBUSCH
Bridge Administrator
By direction of the District Commander

Enclosure: Draft Memorandum of Agreement

} removed

Exhibit 4

August 7, 2008



Jim Young
Chairman

The Honorable Claire McCaskill
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator McCaskill:

I am writing in response to your letter of August 1, 2008, in which you expressed concern about a perceived discrepancy regarding our Coast Guard application to build a bridge at Osage and what we discussed in your office. Specifically, your concern has to do with our permit application to the Coast Guard for the bridge at Osage and how it might relate to the use of the Boonville Bridge spans as part of the project.

There is no discrepancy. Union Pacific has always openly acknowledged the link between the construction of the new Osage Bridge and the demolition of the existing Boonville Bridge. Union Pacific is required to obtain, and is in the process of obtaining, numerous federal and state permits for different aspects of the project. The Section 106 Historic Preservation review is included in its appropriate place in this multifaceted process. However, as set out below, the federal permitting system for the two major aspects of the overall project, Osage and Boonville, is very different and distinct. The Coast Guard's new bridge permit for the proposed bridge at Osage, issued January 31, 2008, involved a very narrow process. Conversely, the Corps of Engineer's permit to demolish the existing bridge at Boonville, still under consideration, involves a much broader process, including the Coast Guard led Section 106 Historic Preservation review.

In 2004, Union Pacific applied for both the Coast Guard new bridge permit for Osage and the Corps of Engineers' Clean Water Act permit for demolition and reuse of parts of the bridge at Boonville. The scope of a Coast Guard bridge permit is very narrow – does the proposed bridge have safe clearances for navigation? Union Pacific's initial application to the Coast Guard for the new bridge at Osage referenced, for informational purposes only, the fact that the spans were from the bridge at Boonville. On June 30, 2005, the Coast Guard advised us that it could not act on the application in that form as we would have to resolve the litigation regarding ownership of the Boonville Bridge and obtain the permits necessary to deconstruct it. However, the Coast Guard also noted that the source of materials for the proposed new bridge was not relevant to its review of the safe navigation clearances for permit authorization purposes, and if UP submitted a new application without referring to the source of materials, it could progress the application in that form – so long as the Boonville demolition issues were dealt with in their own proper permitting process.

We understood the Coast Guard to mean that it interpreted our reference to the use of the Boonville Bridge spans as an implicit request for authority to proceed with that

demolition, which was not our intent as that part of the permitting process was being managed by the Army Corps under a separate permitting process. However, the Coast Guard apparently wanted to emphasize that we should not seek its authority for demolition of the Boonville Bridge in our Osage new bridge application, and that any such demolition approval needed to be submitted through the appropriate permitting process rather than the Osage application.

Accordingly, in August of 2005, Union Pacific submitted a new application to the Coast Guard for a bridge permit at Osage, which provided the design aspects and site specific information only. That new application was not a reflection of any change in plans, but merely a reflection of what was the proper issue to be placed before the Coast Guard in the context of the specific requirements of a new bridge permit. That application was granted on January 31, 2008, and it only authorizes UP to build a new bridge at Osage according to the design submitted. It does not authorize the use of spans from or demolition of the bridge at Boonville - those issues are still under review by the Corps of Engineers.

Union Pacific's request for authority to dismantle and reuse parts of the Boonville Bridge is part of the application currently under consideration by the Corps of Engineers under Section 404 of the Federal Clean Water Act. All required reviews of the impacts of the bridge demolition are being included in this process. This includes a Section 106 historical review, for which the Coast Guard is the lead agency.

The change in our application to the Coast Guard for the new bridge permit at Osage was in no way an effort to conceal or change the plan to use the spans from Boonville. The use of those spans has always been a well-publicized part of our proposal. The application was changed in response to the Coast Guard's letter in an effort to ensure that the proper issues were presented to the proper Federal agency for review and action in the proper forum. While the two sites are, and have always been, linked in our proposal, they are permitted in a separate manner. The review of the demolition of the bridge at Boonville is properly being handled as part of the Corps of Engineer's process, and was not appropriate for the Coast Guard to handle as part of its new bridge permit review. The federal action that mandates the historical and other reviews of the impact of the removal of the Boonville Bridge is the approval Union Pacific is seeking to remove the Boonville Bridge, not the approval of the design for the new bridge at Osage.

Union Pacific has a long history in Missouri. We have always strived to be a good corporate citizen, and this situation is no different. We have been open with the community and all the various stakeholders about our plans to remove the Boonville Bridge spans and use them to build a new bridge at Osage. Our rationale for wanting to do this is simple. We have been ordered by the Coast Guard to remove the unused Boonville Bridge since 1991, and given the high price of steel, we can now use the material from the Boonville Bridge to build a new bridge at Osage. The bridge at Osage is a one-track bridge, and it is the main bottleneck on this line. By building a new, double-tracked bridge at Osage, we will not only be able to improve Amtrak's performance in the state, but also better serve our customers. However, recognizing that

the Boonville Bridge has significance to the Boonville community, we have been willing to tender the Bridge to the community, provided we are adequately compensated for our loss. We even suspended the permitting process relating to demolition to give the community more time to come up with a feasible plan. To date, no entity has stepped forward with the financial ability to compensate us and take over responsibility for the bridge.

Our current plans are to move forward to obtain the appropriate permits to complete this project. Further delay in the permitting will only cause more delay in our ability to address the bottleneck at Osage. We do plan, as we have consistently stated in the past, to use the Boonville Bridge spans for the new Osage Bridge. We will not at this time further amend our application for the new Osage Bridge permit issued by the Coast Guard this January, but we will not be taking significant action on that permit until the Boonville issues are resolved. However, we will continue to work with the Corps of Engineers and Coast Guard to obtain the remaining necessary permits that cover environmental and historic preservation issues surrounding both bridges.

Senator, I hope this response allays any concerns you might have about this situation. Please do not hesitate to contact me if you have further questions.

Sincerely,

A handwritten signature in dark ink, appearing to be the name "Jim". The signature is stylized with a large, sweeping initial "J" followed by the letters "im".

CLARENCE MCFASKILL
MISSOURI

United States Senate
WASHINGTON, DC 20510

(202) 221-1111
Fax: (202) 221-0720
TTY: (202) 221-1071
Hepburn, Alison H. PA

TOP SECRET
ARMED SERVICES

COMMITTEE ON SCIENCE AND
TRANSPORTATION

HOUSING AND COMMUNITY AFFAIRS
AND GOVERNMENT AFFAIRS

INDIAN AFFAIRS

SPECIAL COMMITTEE ON AGING

PERMANENT SUBCOMMITTEE
ON INVESTIGATIONS

August 1, 2008

James R. Young
President and Chief Executive Officer
Union Pacific Railroad
1400 Douglas Street
Omaha, NE 68179

Dear Mr. Young:

I am writing to express my concern about the discrepancy between Union Pacific's application to build a new Osage River bridge in Missouri and what you conveyed to me personally and my staff on numerous occasions about this construction.

My interest in the new Osage River bridge project is that it has been linked to the historic Boonville Bridge, outside of Boonville, Missouri. The Boonville Bridge has been the subject of great controversy. After an extensive legal battle over ownership of the bridge, in which Union Pacific prevailed, the community has sought to work with Union Pacific to take ownership of the bridge and prevent its removal. Meanwhile, Union Pacific has continued to move forward with the bridge's removal. I have stressed to all federal agencies involved, as well as Union Pacific, that appropriate public comment and transparency is of utmost concern to me.

In that vein, I seek clarification about Union Pacific's intention to use the Boonville Bridge spans at the Osage River bridge project. In an April 16, 2008, meeting in my office, you stated Union Pacific's intent to use the spans from the historic Boonville Bridge for construction of the Osage bridge. In fact, I was told that that Union Pacific did not wish to wait in taking down the Boonville Bridge because they want to resolve an Amtrak chokepoint at the Osage River. Recently, I was troubled to learn that on January 31, 2008, the Coast Guard approved a permit to build a new Osage River bridge that did not acknowledge the use of the Boonville Bridge spans, contrary to your statements to me and in the press.

To that end, I would appreciate a response to the following questions:

Why did Union Pacific submit a revised application that does not mention use of the Boonville Bridge? Was this decision made to avoid a Section 106 Agreement, which in a 2005 e-mail to Union Pacific, the Coast Guard seems to acknowledge is necessary if the Boonville Bridge span use was included?

329 W. Main Street
Room 128
St. Louis, MO 63101
(314) 651-0121
Fax: (314) 371-1278

816 East Ash Street
Columbia, MO 65201
(573) 442-7130
Fax: (573) 412-7140

400 East 9th Street
Suite 40 Plaza Level
Kansas City, MO 64106
(816) 421-1619
Fax: (816) 421-1662

1870 Delmar Boulevard
Suite A
St. Louis, MO 63112
(314) 367-1361
Fax: (314) 361-6629

227 Pine Street, Suite 110
St. Louis, MO 63101
(314) 511-5715
Fax: (314) 511-1114

Did Union Pacific submit any information with the new application to indicate that you were no longer going to use the Boonville Bridge to construct the new Osage Bridge?

How does Union Pacific reconcile the Osage Bridge permit with public comments you have made in the press, and to me personally, that you intend to use the Boonville Bridge to construct the new Osage Bridge?

Do you intend to use the Boonville Bridge to build the new Osage bridge? If yes, will you submit a revised permit application to the Coast Guard? If no, where do you intend to get the materials needed to complete construction of the Osage Bridge?

Thank you for your consideration, and I look forward to your timely response

Sincerely,

A handwritten signature in black ink, appearing to read "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" written in a larger, more prominent script than the last name "McCaskill".

CLAIRE MCCASKILL
United States Senator